

NATURAL RESOURCES DEPARTMENT[561]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455A.4 and 456A.24, the Department of Natural Resources hereby gives Notice of Intended Action to adopt new Chapter 12, "Special Nonresident Deer and Turkey Licenses," Iowa Administrative Code.

This new chapter establishes the process by which the Department will issue special nonresident deer and wild turkey licenses to individuals as part of statewide or local efforts to promote the state and its natural resources.

Any interested person may make written suggestions or comments on the proposed rules on or before September 30, 2008. Written comments may be sent to the Special Nonresident Deer and Turkey License Program Coordinator, Ross Harrison, Department of Natural Resources, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Program Coordinator at (515)281-5973 or at the Department's offices on the fourth floor of the Wallace State Office Building.

These rules are intended to implement Iowa Code section 483A.24.

The following new chapter is proposed.

Adopt the following new 561—Chapter 12:

CHAPTER 12

SPECIAL NONRESIDENT DEER AND TURKEY LICENSES

561—12.1(483A) Purpose. These rules establish the process by which the department will issue special nonresident deer and wild turkey licenses to individuals as part of statewide or local efforts to promote the state and its natural resources.

561—12.2(483A) Definitions. When used in this chapter:

"Committee" means the committee that makes the final selection of the special nonresident deer and turkey licenses, which is comprised of the majority leader of the Iowa senate, the speaker of the Iowa house of representatives, and the director of the Iowa department of economic development, or their designees, as described by Iowa Code Supplement section 483A.24(3).

"Conservation organization" means an organization that is developed and managed pursuant to Iowa Code chapter 504, the revised Iowa nonprofit corporation Act, with a mission that emphasizes natural resources conservation or that supports science-based natural resource management. A local or state chapter or division of a national or international conservation organization shall qualify.

"Coordinator" means a department staff person appointed by the director to administer the special nonresident deer and turkey license program.

"Department" means the department of natural resources.

"Director" means the director of the department of natural resources.

"Outdoor industries" means commercial enterprises or ventures that promote or otherwise contribute to the use of natural resources. For purposes of illustration, outdoor industries may include but are not limited to television or radio show production; video/DVD production; still and motion photography; writing in the popular media such as newspapers and periodicals; lecture presentations; manufacture or acquisition of sporting equipment for resale; or similar activities. Outdoor industries shall not include businesses that solely provide guide or outfitter services.

“Program” means the review and selection process through which the committee will grant special nonresident deer licenses.

“Special licenses” means the special nonresident deer licenses and the special nonresident turkey licenses issued pursuant to these rules.

“Special nonresident deer license” means those deer licenses issued pursuant to Iowa Code Supplement section 483A.24(3).

“Special nonresident turkey license” means a wild turkey license issued pursuant to Iowa Code section 483A.24(4).

“Sponsor” means an entity that applies for a special license on behalf of a hunter(s).

561—12.3(483A) Administration and availability. The director shall appoint a coordinator who will administer this program and provide assistance to the committee. The program shall be available to provide not more than the number of special licenses allowed by Iowa Code section 483A.24 to nonresidents through requests submitted by the individual hunter or through a sponsor. Sponsors may be residents of the state of Iowa.

561—12.4(483A) Coordinator duties. The coordinator shall:

12.4(1) Assist the committee in the execution of this program.

12.4(2) Develop templates for requests for the special nonresident deer and turkey licenses and provide templates to potential hunters or hunter sponsors upon request.

12.4(3) Summarize requests received and distribute summaries to the committee.

12.4(4) Provide additional information on requestors as needed to aid the committee in its selection process.

12.4(5) Establish dates when the committee will select individuals who have requested the special nonresident deer license and shall inform successful individuals of their selection.

561—12.5(483A) Request process.

12.5(1) Submission. Individual hunters or sponsors shall submit a request, or requests, to the coordinator on the form provided by the department. Requests shall be received throughout the year.

12.5(2) Review. The committee shall review summaries prepared by the coordinator to select hunters to receive the special licenses. This review shall occur at least once annually but may occur more frequently as needed based upon the number of requests and the dates the requests are received.

12.5(3) Payment. Upon notice of success, requestors shall make payment to the department through the coordinator at least 30 days prior to the hunting season for which the license is valid.

12.5(4) No consideration. Requests that demonstrate little to no promotion of the state of Iowa or its natural resources, as determined by the coordinator, shall not be forwarded to or considered by the committee.

561—12.6(483A) Consideration of requests. The committee will determine which requests for these special licenses are best qualified to promote the state and its natural resources. In making such a determination, the committee will select hunters and conservation organizations based on their expected ability to promote the state and its natural resources and the successes accomplished by special license holders in prior years or seasons, if applicable. By way of illustration, the committee may consider requests from the following:

12.6(1) Hunters who have a direct beneficial impact on the state through an arm’s-length business relationship with an Iowa-based outdoor industry company.

12.6(2) A sponsor that is a conservation organization that will use the special nonresident deer license as a fundraiser for that organization. Such sponsor shall return to the department the greater amount of either one-half of the proceeds from its sale of the special nonresident deer license or the cost of a nonresident deer license, the fee described in Iowa Code section 483A.1. The department’s proceeds shall cover the cost of the special nonresident deer license. Licenses made available to these sponsors under this subrule may be valid up to two years after selection by the committee. The sponsoring conservation

organization shall notify the coordinator by July 1 immediately following the sale of the special deer license, which year and for what season the special deer license will be used. Within the request form, the sponsoring organizations shall specifically explain how and during what period they will market the special deer license for auction or some other legal fundraiser.

12.6(3) Sponsors or hunters for whom the governor, a member of the Iowa legislature, or a member of the committee makes a request for a special license.

12.6(4) Hunters or sponsors that are recommended by the department.

12.6(5) Hunters or sponsors that are considered a national or regional celebrity and that may provide a positive portrayal of the state and its natural resources.

561—12.7(483A) License term. With the exception of the term provided for in subrule 12.6(2), special licenses issued under these rules shall be valid for only the applicable deer or turkey season immediately following the selection.

561—12.8(483A) Reporting. Within eight months of participating in a hunt with a license issued pursuant to this chapter, the requestor, which may be the hunter or a hunter sponsor, shall provide the coordinator with information about the hunt and how it will provide or has provided promotion of the state and its natural resources. That evidence may be in the form of testimonials of the participants, a completed DVD available for retail sale, a DVD copy of the actual television broadcast, an article in a periodical, or other verifiable means that demonstrate the promotional benefits. The committee may consider compliance with this reporting requirement in evaluating future requests.

561—12.9(483A) Prohibitions. Photographs, videotapes, or any other form of media resulting from the special nonresident deer licenses issued pursuant to this chapter shall not be used for political campaign purposes.

561—12.10(483A) License costs. With the exception provided for conservation organizations by subrule 12.6(2), nonresidents obtaining special licenses issued by the department shall pay for:

1. The special nonresident deer licenses, the fee described in Iowa Code section 483A.1 for a deer hunting license for antlered or any sex deer.
2. The special nonresident turkey licenses, the fee described in Iowa Code section 483A.1 for wild turkey hunting license.

561—12.11(483A) Hunter safety requirements. The hunter safety and ethics certificate requirement is waived for holders of a special nonresident deer license and special nonresident turkey license, as provided by Iowa Code Supplement section 483A.24(3) and Iowa Code section 483A.24(4).

These rules are intended to implement Iowa Code section 483A.24.